



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 19 2013

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Lovely
Paul's Garage and Towing, Inc.
2941 Valley Street
Riverside, Ohio 45404

Re: Request for Information Pursuant to Section 104(e) of CERCLA
Valley Pike VOC Site
Riverside, Ohio
Site Spill Identification Number: C5U2

Dear Mr. Lovely:

This letter seeks your cooperation in providing information and documents relating to contamination at the Valley Pike VOC Site (VPV Site). The VPV Site is located in Riverside, Montgomery County, Ohio. At this time, the approximate boundaries of the VPV Site are the Mullins Rubber Products, Inc. facility on the east, Pleasant Valley Avenue on the west, Bushnell and Hypathia Avenues on the north and Valley Pike Road on the south. Recent inspections of the VPV Site by EPA and the Ohio Environmental Protection Agency have found that tetrachloroethene (TCE) and trichloroethene (PCE), hazardous substances, are present in groundwater, soil, sub-slab vapor, and indoor air. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601-9675, commonly known as "CERCLA" or "Superfund", gives the U.S. Environmental Protection Agency the authority to, among other things: (a) assess contaminated sites, (b) determine the threats to human health and the environment posed by each site and (c) clean up those sites in the order of the relative threats posed by each.

EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the VPV Site and is seeking additional information concerning the generation, storage, treatment, transportation and methods used to dispose of such substances. In addition, EPA is identifying activities, materials and parties that contributed to contamination at the VPV Site. EPA believes that you might have information which may assist the Agency in its efforts.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and enclosed questions (Enclosure B) within (14) calendar days of your receipt of this letter.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting maybe considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the VPV Site or may be responsible for the contamination at the VPV Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Instructions on how to respond to the questions in Enclosure B of this document are described in Enclosure A. Your response to this Information Request should be mailed to:

Grace Co, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 2, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the VPV Site, the nature of the environmental conditions at the VPV Site or the status of cleanup activities, please contact Steven Renninger, On-Scene Coordinator, at (513) 569-7539 or Richard Murawski, Associate Regional Counsel, at (312) 886-6721. However, if you have specific questions about the Information Request, please contact Grace Co, Enforcement Specialist, at (312) 353-6779. We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Jaffess", with a long horizontal flourish extending to the right.

Sharon Jaffess, Chief
Enforcement & Compliance Assurance Branch

Enclosure:

- A - Instructions and Definitions
- B - Information Requests

Enclosure A
Instructions and Definitions
Valley Pike VOC Site

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- (a) the portions of the information alleged to be entitled to confidential treatment;
- (b) the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event or permanently);
- (c) measures taken by you to guard against the undesired disclosure of the information to others;

- (d) the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e) pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA's verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, Section 3007(b) of RCRA or 40 C.F.R. Section 2.203(b). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information."
9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term **"arrangement"** means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term **"documents"** includes any written, recorded, computer-generated or visually or aurally reproduced material of any kind in any medium in your possession, custody or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term **"facility"** shall have the same definition as that contained in Section 101(9) of CERCLA and includes the Paul's Garage and Towing, Inc. facility located at 2941 Valley Street, Riverside, Ohio.
4. The term **"hazardous substance"** shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term **"identify"** means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
6. With respect to a corporation, partnership or other business entity (including a sole proprietorship), the term **"identify"** means to provide its full name, address and affiliation with the individual and/or company to whom/which this request is addressed.
7. The term **"material"** or **"materials"** shall mean any and all objects, goods, substances or matter of any kind, including but not limited to wastes.
8. The term **"person"** shall include any individual, firm, unincorporated association, partnership, corporation, trust or other entity.
9. The term **"pollutant or contaminant"** shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
10. The term **"real estate"** shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

11. The term **“release”** shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
12. The term **“site”** shall mean the **VPV Site** located in Riverside, OH.
13. The term **“waste”** or **“wastes”** shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances and pollutants or contaminants, whether solid, liquid or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
14. The term **“you”** or **“Respondent”** shall mean **Mr. Charles Lovely or Paul’s Garage and Towing, Inc.** The term **“you”** also includes any officers, managers, employees, contractors, trustees, successors, assigns and agents of Paul’s Garage and Towing, Inc.

Enclosure B
Information Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these requests, and provide copies of all such documents. If any of the documents solicited in this information request are no longer available, please state the reason why they are no longer available.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify the current owner and/or operator of the Paul's Garage and Towing, Inc. facility located at 2941 Valley Street, Riverside, Ohio.
5. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Paul's Garage and Towing, Inc. facility and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to deeds and leases.
6. Describe the nature of your activities at the Paul's Garage and Towing, Inc. facility with respect to purchasing, receiving, processing, storing, treating, disposing, handling or otherwise using TCE and/or PCE.
7. Identify the quantity of TCE and/or PCE purchased, received, processed, stored, treated, disposed, handled or otherwise used at the Paul's Garage and Towing, Inc. facility.
8. Provide the results of any sampling conducted by Paul's Garage and Towing, Inc. facility to detect the presence of TCE and/or PCE in soil and/or groundwater.
9. State the time period, or periods, over which TCE and/or PCE were used at the Paul's Garage and Towing, Inc. facility.
10. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) located at the Paul's Garage and Towing, Inc. facility. For each such solid waste unit identified, provide the following information:
 - (a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - (b) The type of unit (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit;

- (c) The dates that the unit was in use;
- (d) The purpose and past usage (e.g., storage, spill containment, etc.);
- (e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
- (f) The construction (materials, composition), volume, size, dates of cleaning and condition of each unit; and
- (g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

11. Identify the prior owners of the Paul's Garage and Towing, Inc. facility. For each prior owner, further identify:

- (a) The dates of ownership;
- (b) All evidence showing that they controlled access to the Paul's Garage and Towing, Inc. facility ; and
- (c) All evidence that a hazardous substance, pollutant or contaminant, was released or threatened to be released at the Paul's Garage and Towing, Inc. facility during the period that they owned the facility.

12. Identify the prior operators, including lessors, of the Paul's Garage and Towing, Inc. facility. For each such operator, further identify:

- (a) The dates of operation;
- (b) The nature of prior operations at the Paul's Garage and Towing, Inc. facility;
- (c) All evidence that they controlled access to the Paul's Garage and Towing, Inc. facility; and
- (d) All evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at or from the Paul's Garage and Towing, Inc. facility and/or its solid waste units during the period that they were operating the Paul's Garage and Towing, Inc. facility.

13. Provide copies of all local, state and federal environmental permits ever granted for the Paul's Garage and Towing, Inc. facility or any part thereof (e.g., RCRA permits, National Pollutant Discharge Elimination System permits, etc.).

14. Did the Paul's Garage and Towing, Inc. facility ever have "interim status" under RCRA? If so, and the facility does not currently have interim status, describe the circumstances under which the facility lost interim status.
15. Did the facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification.
16. Identify all leaks, spills or releases into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the Paul's Garage and Towing, Inc. facility. In addition, identify:
- (a) When such releases occurred;
 - (b) How the releases occurred;
 - (c) The amount of each hazardous substances, pollutants or contaminants so released;
 - (d) Where such releases occurred;
 - (e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - (f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing undertaken; and
 - (g) All persons with information relating to these releases.
17. Was there ever a spill, leak, release or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under the Paul's Garage and Towing, Inc. facility? If the answer to the preceding question is anything but an unqualified "no," identify:
- (a) Where the disposal system or floor drains were located;
 - (b) When the disposal system or floor drains were installed;
 - (c) Whether the disposal system or floor drains were connected to pipes;
 - (d) Where such pipes were located and emptied;
 - (e) When such pipes were installed;
 - (f) How and when such pipes were replaced, or repaired; and
 - (g) Whether such *pipes* ever leaked or in any way released hazardous materials into the environment.

18. Did any leaks, spills or releases of hazardous materials occur on the Paul's Garage and Towing, Inc. facility when such materials were being:

- (a) Delivered by a vendor;
- (b) Stored (e.g., in any tanks, drums or barrels);
- (c) Transported or transferred (e.g., to or from any tanks, drums, barrels or recovery units); or
- (d) Treated.

19. Identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants or contaminants and damages resulting there from.